

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HJALMER SPOTTED BEAR,

Defendant.

Case No. 1:20-cr-00129

**UNITED STATES' SENTENCING
MEMORANDUM**

The United States of America, by Nicholas W. Chase, Acting United States Attorney for the District of North Dakota, and Eric B. Lundberg, Assistant United States Attorney, submits this Memorandum and requests that the Court sentence Spotted Bear to 18 months' imprisonment, which is at the bottom of the advisory guideline range of 18-24 months, and 3 years' supervised release. The United States has no objections or corrections to the Presentence Investigation Report ("PSIR") in this case.

The United States primarily focuses on its request for 3 years' supervised release. Spotted Bear's criminal history is extensive, and his conduct in the instant matter, particularly him saying "I am the coronavirus" as he spat on staff, needs addressing. While Spotted Bear asks for two years of supervised release, his history and characteristics and the nature and circumstances of the instant offenses show he needs a lengthy period of supervision following his release from incarceration.

Dated: May 6, 2021.

NICHOLAS W. CHASE
Acting United States Attorney

By: /s/ Eric B. Lundberg
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